

ABSTRACT

MA & UD Dept., - Bhainsa Municipality – Construction of shopping complex under IDSMT Scheme – Permission for conduct of public auction – Administrative Sanction – Accorded – Orders – Issued.

GOVERNMENT OF ANDHRA PRADESH MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (J) DEPARTMENT

G.O.Ms.No. 480

Dt. 02.12.2013

Read the following:

1. From the Commissioner & Director Of Municipal Administration, A.P., Hyderabad 16573/2011/N1, dated: 02.03.2012.
2. Govt. Memo No. 6016/J2/2012-2, dt. 29.06.2012.
3. From the Commissioner & Director Of Municipal Administration, Lr.Roc.No.16573/2011/N1, dt.23-08-2012 & 10.01.2013.
4. G.O.Ms.No.21 MA&UD(J2)Dept., dt.18-1-2013.
5. From the Commissioner & Director Of Municipal Administration, Lr.Roc.No.16573/2011/N1, dt. 26.07.2013

ORDER:-

In the letter 1st read above the Director of Municipal Administration, Andhra Pradesh, Hyderabad has submitted the proposal for according permission to put 48 shop rooms for public auction located in Vegetable market at Town Police Station, Beef Market at Market Galli and Commercial Shopping Complex at E-Seva Center which was constructed under IDSMT scheme. In the proposal he has stated that the Municipal Commissioner, Bhainsa has requested to allot 10 shop rooms to the individuals, who were evicted from the shop rooms and allot the said shop rooms without public auction as the then Municipal Commissioner has issued assurances in writing in this regard.

2. In the Government Memo 2nd read above, the Commissioner & Director of Municipal Administration, A.P., Hyderabad has been requested to furnish the information that in case these 10 shops are not auctioned, specify the terms and conditions on which the Municipality will allot them to the erstwhile shop owners who were evicted from their shops on assurance of allotment after construction.

3. In the letter 3rd read above, the Commissioner & Director of Municipal Administration, A.P., Hyderabad has stated that the Municipal Commissioner, Bhainsa Municipality has informed that no records are available with regard to consent given to (10) individuals in writing for allotment of shop rooms during their eviction from the land in which the IDSMT shopping complex was constructed. However, no agreement was also made between the individuals and the Municipal Council, Bhainsa in this regard and no provision is made in the A.P. Municipalities Act of allotment of shops on dispensing with public auction. The written commitments given by the then Municipal Commissioner, Bhainsa for allotment of the shop rooms to the existing lessees without conducting public auction is in violation of the Government orders and Act provisions. Further he has requested to permit the present Municipal Commissioner, Bhainsa to allot the said shop rooms to the existing lessees, as in G.O.Ms.No. 198 MA, dt. 08.05.2012 it was already ordered that “as a measure to rise revenues for the construction of shopping complex, the proposal shop rooms have to be put to public auction.

4. In the G.O. 4th read above, Government have issued revised comprehensive guidelines in supersession of the guidelines issued in the G.O.Ms.No. 198 MA&UD (J2) Dept., dt. 8.5.2012. In Government Memo No. 6016/J2/2012-4, dt. 8.2.2013, the Commissioner & Director of Municipal Administration, A.P., Hyderabad has been requested to clarify whether the above proposal is as per G.O.Ms.No. 21, MA, dt. 18.01.2013, if not, he may send specific proposal on which Government orders are required to Government for taking further action in the matter.

5. In the letter 5th read above, the Commissioner & Director of Municipal Administration, A.P., Hyderabad has submitted that the Municipal Commissioner has stated that (48) No. of shop rooms were constructed in Vegetable Market at town police station, beef market at Market Gally, Commercial Shopping Complex at e-seva center in Bhainsa Municipality with IDSMT Scheme funds. The Municipal Council, Bhainsa in his C.R.No. 38, 39 and 40 dated: 18.02.2011

has resolved to send proposal to Government for according administrative sanction to put the shops for public auction. The Superintending Engineer (PH), Bhainsa Municipality /IDSMTGeneral/2008-09/927, Dt. 04.08.2008 has approved the estimates for construction of
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shopping complex and the Director of Town & Country Planning, Hyderabad has approved the project in B.P. No.14/2011 C.No. 731/2003/1/2 Revised B.P.No. 54/B/04. As per the guidelines issued in G.O.Ms.No. 21, MA&UD Department dt. 18.01.2013, the monthly rent of the said shops arrived at Rs. 428/- on the market value of the site in the said shopping complex area and the rent arrived at Rs. 428/- per month as per the calculation made in accordance to the guidelines issued therein, and goodwill amount is also arrived at Rs. 1,17,500/- on the cost of the construction of shops, plinth area with the common area. The Special Officer, Bhainsa in resolution No. 304/2, dt. 10.4.2013 has resolved to fix up the goodwill amount @ Rs. 1,17,495/- and the rent for each shop room is fixed @ Rs. 428/- per month. He has also stated that as per the regulation of Receipts and Expenditure 1968 under A.P. Municipalities Act, 1965 and also usual reservations for the categories as per the directions of the Government issued from time to time in the matter letting out the shops will continued and the procedure for auction based on goodwill deposit, however, being the same. The Municipal Commissioner, Bhainsa further submitted that vide his office notice No. 989/Bhainsa/IDSMT Scheme/2007-9, dt. 16.6.2009 Ten No. of notices were issued to certain individuals, who were evicted from the shop rooms, assuring with a promise that shop rooms will be allotted to them on completion of shopping complex in lieu of removing them from the shop rooms. The assurance was given to them prevent any unwanted litigation that may arise in the matter. The Municipal Commissioner, Bhainsa has requested to submit proposals for accord administrative sanction to put the shops for public auction in terms of G.O.Ms.No. 21, MA&UD department dt. 18.01.2013.

6. The Commissioner & Director of Municipal Administration, Hyderabad has stated that the report of Municipal Commissioner, Bhainsa is in accordance with the guidelines prescribed under G.O.Ms.No. 21 MA&UD department, dt. 18.01.2013, and goodwill amount is fixed @ Rs. 1,17,495/- and rent to be collected is Rs. 428/- per shop room. Further he has requested to accord permission to put the shop rooms for public auction, so as to fetch additional revenue.

7. Government after careful examination of the proposal hereby accord administrative sanction to the Municipal Commissioner, Bhainsa Municipality to put the shop rooms for public auction as per the guidelines prescribed under G.O.Ms.No. 21 MA&UD department, dt. 18.01.2013 so as to fetch additional revenue to the Bhainsa Municipality.

8. The Commissioner & Director of Municipal Administration, A.P., Hyderabad shall take necessary action accordingly.

9. This order issued under the concurrence of the Law (A) Department in their U.O.No.4799/160/A/2013, dt.: 13.11.2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR. SANEER SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner & Director of Municipal Administration,
A.P., Hyderabad.

Copy to:

The Municipal Commissioner, Bhainsa Municipality, Adilabad District
The Director of Town & Country Planning, Hyderabad
The Collector & District Magistrate, Adilabad District
The Special Officer, Bhainsa Municipality, Adilabad District
The Engineer-in-Chief, (PH), Hyderabad
The P.S. to M(MA)
The P.S. to Principal Secretary to Government (MA)
The Law (A) department.

//FORWARDED BY ORDER//

SECTION OFFICER